MINUTES

**Mountrail County Planning & Zoning Commission**

**April 22, 2024**

The meeting of the Mountrail County Planning & Zoning Commission was called to order at 8:30 a.m. by Chairman Charlie Sorenson with Commissioners Trudy Ruland, Joan Hollekim, Cameron Tomjack, Jesse Weyrauch, and Kirk Johnson present. Commissioners Megan Fritel, Douglas Bratvold, and Arlo Borud attending online. Also present were Planning & Zoning Administrator Melissa Vachal, Planning & Zoning Assistant Malinda Gunderson, Mountrail County Tax Equalization Director Lori Hanson, Mountrail County Property Assessor Kim Savage, Mountrail County Engineer Jana Hennessy attending online, Mountrail County State’s Attorney Wade Enget and Mountrail County Auditor Stephanie Pappa attending online.

**APPROVAL OF AGENDA**

Moved by Commissioner Borud, seconded by Commissioner Hollekim, to approve the agenda. All present voted yes. Motion carried.

**APPROVAL OF MINUTES**

Moved by Commissioner Borud, seconded by Commissioner Weyrauch, to approve the Planning & Zoning Commission minutes of the March 25, 2024 meeting as amended. All present voted yes. Motion carried.

1. **8:35 a.m. Basin Electric Power Cooperative-Applicant; JAC Family Trust-Landowner (PZ-2024-** **0100) Outlot Plat**

Outlot Plat Review Application for the following described property: a tract of land 40.86 acres more or less located in the W1/2SW1/4 of Section 26, Township 153 North, Range 91 West to be known as Outlot 1 of the W1/2SW1/4 of Section 26, Township 153 North, Range 91 West (Crane Creek Township) (Parcel# 39-0012100)

The applicant (represented by Nathan Kleyer and Nathan Miller with Basin Electric Power Cooperative) is seeking an outlot plat for an irregular tract of land to build a new substation. Applicant will need a Conditional Use Permit and a Zoning Amendment once this step is complete and is aware of this. Bert Hauge approached the board with questions about the access approach location and whether they will use the township road or Highway 8 to access the outlot and also the location of the transmission line being on the quarter line or the section line. Mr. Kleyer states they are planning on accessing the outlot from the south and that there will be minimal traffic to the area once construction is complete and that they do try to stay along quarter lines when possible so they don’t push too far into fields by being on the section line. Mr. Kleyer assures the board that Basin Electric will work with the township concerning any issues regarding the road (bringing in gravel for improvements, etc.). Commissioner Ruland stated that addressing traffic and other concerns about the substation construction should be done during the Conditional Use application process. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Ruland, seconded by Commissioner Fritel to approve the zoning request of platting an outlot of land over 35 acres filed by Basin Electric Power Cooperative with concurrence from JAC Family Trust-landowner, for a tract of land 40.86 acres more or less located in the W1/2SW1/4 of Section 26, Township 153 North, Range 91 West to be known as Outlot 1 of the W1/2SW1/4 of Section 26, Township 153 North, Range 91 West (Crane Creek Township) as Basin Electric Power Cooperative with concurrence from JAC Family Trust-landowner, has met all criteria as set forth in Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:38 a.m. Landon Eskew-Administrative issue concerning PZ-2023-0382**

Landon Eskew with Highline Water approached the board about a water permit that his company attempted to file six years ago but couldn’t because he couldn’t get all 11 landowners to sign due to 2 of them being deceased and being unable to get in contact with 7 of the other 9 landowners. Mr. Eskew discovered that this application actually went through with another company recently but it is missing the proper landowner signatures. Mr. Eskew presented PZ-2023-0382 to the board which should have 9 landowner signatures on the application and 2 death certificates that should have been recorded for the deceased landowners. Mr. Eskew is concerned how this application got through without the proper signatures on it and would like the board to reverse the decision to approve the permit based on the information he’s provided. Commissioner Ruland stated that the county has the process it does the State of North Dakota doesn’t require more than one landowner signature on their permits which lets the county ensure that all landowners are giving their permission to access the water on their land. Administrator Vachal stated that this permit was granted with Nancy Lee Parkhill’s signature only because, when administration conducted a search of the parcel using the Mountrail County GIS, Ms. Parkhill’s name was the only name listed. Tax Assessor Hanson cautioned against using the Mountrail County GIS for title purposes and stated that there is a disclaimer on the website that the information found in it shouldn’t be used to determine title. Commissioner Ruland questioned whether the board has any authority to approve an application if all of the proper landowner signatures aren’t on it and if the permit is even valid anymore once it is brought to the board’s attention that some signatures are missing. Commissioner Ruland stated with other documents such as easements, it is the responsibility of the person or entity seeking the easement to ensure that they have all landowner signatures. States Attorney Enget stated if it is brought to their attention that the application didn’t include all landowner signatures then the permit is subject to revocation. Commissioner Ruland feels it is the obligation of the board to consider a permit void if someone comes forward with documentation that an application is missing all proper signatures. Commissioner Hollekim feels that once P&Z finishes the new applications with statements that it is the applicant and landowner must verify that they have all the necessary signatures then the board can take action if information is presented that an application wasn’t complete and doesn’t feel the board can go back on already approved applications. Commissioner Ruland disagrees and feels that the board does need to revisit previously approved permits if more information is brought forward later that the application was incomplete. Commissioner Hollekim still feels that the statement being added to the new applications will allow the board to take action on future applications but they should not be going back to correct past applications. Tax Assessor Hanson questioned when the application Mr. Eskew has presented expires and Administrator Vachal stated that it expires 11/20/24. Chairman Sorenson feels that PZ-2023-0382 could be revoked immediately. Commissioner Hollekim feels that a notice should be sent out to give the applicant time to present the proper signatures to the board before revoking the permit. Chairman Sorenson called for a motion from the board to address the presented issue with PZ-2023-0382.

Moved by Commissioner Ruland, seconded by Commissioner Tomjack to send notice to the applicant of PZ-2023-0382 informing them that the board has been made aware that their application is missing the proper landowner signatures and that they have 15 (consecutive) days to correct this issue or the Temporary Conditional Use Permit will be revoked. All present voted yes. Motion carried.

**Temporary Water Permits – New – For Board Information Only**

PZ-2024-0091 – Williston Water Management – Applicant. Sherri Reynolds & Tara Salute – Landowners. State Water Permit #7114. Period of Authorized usage: 4/04/2024 through 3/20/2025. Pump placement on a tract of land 120.00 acres more or less located in the W1/2NW1/4 & W1/2E1/2NW1/4 of Section 34, Township 152 North, Range 92 West (Osborne Township) (6) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator.

PZ-2024-0093 – Quality Water Systems – Applicant. Thomas & Jackie Heinle – Landowner. State Water Permit #ND2024-22209. Period of Authorized usage: 4/04/2024 through 6/30/2024. Pump placement on a tract of land 40.00 acres more or less located in the SW1/4SE1/4 of Section 15, Township 156 North, Range 94 West (Myrtle Township) (12) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator.

PZ-2024-0094 – Quality Water Systems – Applicant. D&R Lalim LLLP – Landowner. State Water Permit #ND2024-22234. Period of Authorized usage: 4/05/2024 through 7/15/2024. Pump placement on a tract of land 40.00 acres more or less located in the SW1/4SE1/4 of Section 23, Township 156 North, Range 94 West (Myrtle Township) (7) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator.

PZ-2024-0096 – Travis Sauber – Applicant. Jake Estvold – Landowner. State Water Permit #ND2024-22215. Period of Authorized usage: 4/08/2024 through 03/25/2025. Pump placement on a tract of land 40.00 acres more or less located in the NW1/4SW1/4 of Section 25, Township 153 North, Range 92 West (Knife River Township) (11) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator.

PZ-2024-0103 – Quality Water Systems – Applicant. Evelyn P Miller Revocable Living Trust & Roger Miller – Landowners. State Water Permit #ND2024-22112. Period of Authorized usage: 4/18/2024 through 11/15/2024. Pump placement on a tract of land 80.00 acres more or less located in the N1/2SE/4 of Section 35, Township 157 North, Range 91 West (James Hill Township) (12) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator.

PZ-2024-0106 – Mark Weiler – Applicant. Wayne & Karen Wangerud – Landowner. State Water Permit #ND2024-22238. Period of Authorized usage: 5/01/2024 through 03/31/2025. Pump placement on a tract of land 40.00 acres more or less located in the NW1/4SE1/4 of Section 2, Township 156 North, Range 94 West (Myrtle Township) (7) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator.

PZ-2024-0109 – Waypoint Water Solutions LLC – Applicant. Evelyn P Miller Revocable Living Trust & Roger Miller – Landowners. State Water Permit #ND2024-22226. Period of Authorized usage: 4/20/2024 through 3/19/2025. Pump placement on a tract of land 80.00 acres more or less located in the E1/2NE/4 of Section 35, Township 157 North, Range 91 West (James Hill Township) (12) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator.

**Temporary Water Permits – Non-Transferable Renewals – For Board Information Only**

JK Water Services LLC – State Water Permit #ND2024-22184 / PZ-2024-0110. JK Water Services LLC – Applicant. Robert & Connie Tosdale et al – Landowners. S1/2N1/2SE1/4NW1/4 of Section 15, Township 156 North, Range 93 West (Manitou Township). Period of Authorized usage: 4/08/2024 through 3/31/2025. Parcel #20-0008900. Approved by P&Z Administrator.

**Lay Flat Hose Permits – For Board Information Only**

ASWS LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22118 / PZ-2024-0092. Pumping of industrial water by lay flat hose: ASWS LLC – Applicant. Rice Ranch LLLP – Landowner. NW1/4NW1/4 (Gov’t Lot 4) of Section 2, Township 155 North, Range 94 West (Unorganized Township) ending in the SW1/4SW1/4 (Gov’t Lot 4) of Section 30, Township 155 North, Range 94 West (Unorganized Township) (crossing into Williams County). Period of Authorized usage: 3/19/2024 through 7/01/2024. Approved by P&Z Administrator.

ASWS LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #6923 / PZ-2024-0102. Pumping of industrial water by lay flat hose: ASWS LLC – Applicant. Scott & Trudy Ruland – Landowner. SE1/4NW1/4 of Section 16, Township 151 North, Range 93 West (Unorganized Township) ending in the NW1/4NW1/4 of Section 14, Township 151 North, Range 93 West (Big Bend Township). Period of Authorized usage: 3/27/2024 through 7/01/2024. Approved by P&Z Administrator.

Williston Water Management – Lay Flat Hose Permit only – Permit Number – State Water Permit #7114 / PZ-2024-0104. Pumping of industrial water by lay flat hose: Williston Water Management – Applicant. Sherri Reynolds & Tara Salute – Landowners. W1/2NW1/4 & W1/2E1/2NW1/4 of Section 34, Township 152 North, Range 92 West (Osborn Township) ending in the SE1/4 of Section 16, Township 152 North, Range 92 West (Osborn Township). Period of Authorized usage: 3/21/2024 through 5/19/2024. Approved by P&Z Administrator.

Streamline Water Services – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2023-21858 / PZ-2024-0105. Pumping of industrial water by lay flat hose: Streamline Water Services – Applicant. James Enge – Landowner. NW1/4NW1/4 of Section 12, Township 155 North, Range 91 West (Purcell Township) ending in the SE1/4SW1/4 of Section 11, Township 155 North, Range 91 West (Purcell Township). Period of Authorized usage: 4/05/2024 through 6/01/2024. Approved by P&Z Administrator.

ASWS LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2023-21909 / PZ-2024-0111. Pumping of industrial water by lay flat hose: ASWS LLC – Applicant. Boyd & Connie Anderson – Landowner. W1/2SE1/4 of Section 16, Township 156 North, Range 94 West (Myrtle Township) ending in the W1/2NW1/4 of Section 17, Township 156 North, Range 94 West (Myrtle). Period of Authorized usage: 4/10/2024 through 7/01/2024. Approved by P&Z Administrator.

West Dakota Water – Lay Flat Hose Permit only – Permit Number – State Water Permit #6403 / PZ-2024-0112. Pumping of industrial water by lay flat hose: West Dakota Water – Applicant. NTB Enterprises LLC – Landowner. SW1/4NW1/4 of Section 25, Township 153 North, Range 93 West (Unorganized Township) ending in the NE1/4NW1/4 (Gov’t Lot 3) of Section 3, Township 152 North, Range 93 West (Unorganized Township). Period of Authorized usage: 4/15/2024 through 6/15/2024. Approved by P&Z Administrator.

**Building Permits 2353-2355**

2353 – PZ-2024-0095 – Robert & Kristin Grant – Applicant. Grant Family Farms LLC –Landowner. Parcel #15-0006600. NE1/4NE1/4 & NW1/4NE1/4 of Section 12, Township 156 North, Range 88 West. (Egan Township) 60’x80’ shop & 40’x72’ house.

2354 – PZ-2024-0097 – Dale Brown – Applicant/Landowner. Parcel #23-0005202 & 23-0005201. S1/2NE1/4SE1/4SE1/4 & SE1/4SE1/4SE1/4 of Section 11, Township 155 North, Range 89 West. (McAlmond Township) 50’x70’ cold storage building.

2355 – PZ-2024-0107 RENEWAL– Curtis & Sheri Dokken – Applicant. Mountrail County Park Board – Landowner. Parcel #45-0014101. Lease Lot 5, Block 9 Traynor Park also known as Lot 5, Block 2 of Hodges Frist Addition of the Original Townsite of Van Hook located in the NW1/4NE1/4 of Section 32, Township 152 North, Range 91 West (Van Hook Township) 15’x18’ deck. PZ-2023-0091 – 2298 – had deck approved with building permit, but didn’t get it done before the expiration date.

Moved by Commissioner Borud, seconded by Commissioner Bratvold, to approve building permits 2353-2355. All present voted yes. Motion carried.

**ONGOING BUSINESS**

* Gravel Pits- Remains ongoing Administration working on Report
* Green Acres Subdivision – No new activity; still no Letter of Credit
* Subdivision Letter of Credit

**STAFF UPDATES**

* North Dakota Public Service Commission sent out an affidavit concerning pipelines and that P&Z had 10 days to respond. On March 28th, Administrator Vachal mailed a copy of the Land Development Code to the commission.
* Office staff will be driving around county now that the weather is nice and will be sending out letters to anyone that is not in compliance. Staff has been busy with water permits.

**BOARD CONCERNS**

* Commissioner Hollekim pointed out that the Mountrail County Land Development Code states “signature from *the owner*” and not *all owners* and that may be something that needs to be looked at and clarified when the new applications are written.
* Chairman Sorenson brought up some issues where lay flat hoses have been placed in highway right of way which can create a potential problem between P&Z and a landowner because going through the right of way is somewhat of a way to bypass landowners. States Attorney Enget feels the right of way has been acquired for highway purposes only not for other purposes and landowners still need to sign off on those applications.

The Board adjourned at 9:40 a.m. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Tuesday, May 28, 2024,** at 8:30 am via GOTOMEETING or in the Commissioners Room at the Mountrail County Courthouse.

Accepted and approved this 28th day of May, 2024.

Charlie Sorenson, Chairman Melissa Vachal, Administrator

Mountrail County Mountrail County

Planning & Zoning Commission Planning & Zoning

**\*Electronic recordings of full meetings are kept in the office per NDCC 44-04\***